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International Court of Justice

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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

13 JUNE 1946

COMMISSIONER:

Colonel A.M.S. Neave

~~THE S.A.~~ The Corps of Political Leaders.

(The Commission convened at 1545 hours.)

DR. ERNST HIRT, a witness, took the stand and testified as follows:

BY COLONEL NEAVE:

Q Turn to me and raise your right hand. Will you state your full name, and repeat these words after me.

A Dr. Ernst Hirt.

Q I swear by God, the almighty and omniscient, that I will speak the whole truth and will withhold and add nothing.

(The witness repeated the oath.)

COLONEL NEAVE: Dr. Nath, will you examine this witness. Will you give a brief statement of what you intend the witness to bring out?

DR. NATH: The witness is a Blockleiter, and as such he is included and belongs within the corps of political leaders. Consequently I must interrogate him regarding all the points which have been submitted regarding political leaders with reference to his position as Blockleiter.

COLONEL NEAVE: Do you mean his functions as Blockleiter, and what else?

DR. NATH: Yes, Sir.

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COLONEL NEAVE: What are you going to prove by it? You need only state very briefly.

DR. NATH: The Blockleiters are not guilty within the sense of the indictment, and are not responsible for the reproach which had to be laid on the entire corps of political leaders.

COLONEL NEAVE: Will you give a general picture of the general functions of the Blockleiters?

DR. NATH: Yes, Sir.

COLONEL NEAVE: Will you continue.

DIRECT EXAMINATION

BY DR. NATH:

Q Witness, in your civilian profession you are a judicial counsel?

A Yes.

Q You were that for sixteen years?

A Yes.

Q You are 49 years of age?

A Yes.

Q When did you join the party, and what were your motives for doing so?

A I made my application to enter the party on the 31st December 1937. The party back-dated it to the 1st May 1937. From 1929 to 1933 I was Amtsrichter (Judge) in GUNTZENHAUSEN. My open opposition to the policies of the NSDAP caused my being disliked very much by the local followers of the party. In May 1933, after the Nazi revolution, it had been my duty to arrest two SA men who were throwing rocks through windows belonging to Jews. The local SA Sturmbannführer demanded of me by threats that I should let go

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his two SA men. I refused to do so, and a disciplinary action was taken against me. As a consequence of such behaviour I had a compulsory transfer to Nürnberg. In Nürnberg I have been actively and passively resisting the party. That is why I was under constant surveillance. Finally it caused me to worry about my position, and my personal liberty. For this reason I applied for membership in the party, but exclusively this had as its purpose political camouflage. I thought in this way the better to be able to serve the needs of justice.

Q From what time were you Blockleiter, and where?

A I was a deputy war Blockleiter from May 1942 to June 1945.

Q Do you think that you are fit, due to your knowledge of the local situation, to give information about the larger circle of political leaders, particularly Block Leaders, and Zell Leaders?

A Yes, I can say that.

Q Can you also give testimony on the basis of your experiences as a Judge, and on the basis of your experiences as a human being?

A Yes.

Q Would you describe to us how it happened that you accepted the position of a Blockleiter?

A Basically opposed to the activities of the party, I have attempted to evade any official duties with the party for years. My predecessor as Blockleiter also was a Judge. In April 1942 he was called to the colours. The local Group Leader had asked me to take over the office of deputy Block-leiter. For several weeks I opposed this. Finally I could no longer evade it, because I had the fear that as a civil servant my reaction would have been transmitted to the authorities. I would have had to figure on the disciplinary action because of an evasion of the so-called duty of loyalty.

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Q Have you, witness, been confirmed and put under oath by the proper authority, by the Ortsgruppenleiter, as was prescribed in the rules and regulations?

A The Reichsleiter never confirmed me. In my opinion, there was no confirmation by oath as Blockleiter. Two years after I took over the position a collective oath celebration took place. Many hundreds of officials were involved in this collective oath.

COLONEL NEAVE: Did he say something about Nürnberg?

INTERPRETER: In Nürnberg.

BY DR. NATH:

Q Did you receive an identity card as political leader, or have you worn a party leader uniform?

A Never.

Q What was the case of the rest of the Blockleiters of your local group?

A Uniforms, according to my knowledge, were worn only by those Block and Zell Leaders who were Block and Zell Leaders during peace time also. That is to say, Block and Zell Leaders who were confirmed by the Kreisleiter as such.

Q Is it true that as the prosecution said referring to the organisation book by law that the Blockleiters had to be re-confirmed by oath in their loyalty yearly?

A I know nothing about it. I only know as much that only joint political leaders were to be put under oath - but we Blockleiters never considered ourselves political leaders, because wex were not confirmed by the Reichsleiter, did not carry any identity to that effect, nor did we have the right to wear a uniform.

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Q Were there orders for members of the party to accept party offices?

A As far as I know, while making the application every prospective member of the party had to obligate himself to accept any party office.

Q Were there such directives on the part of the heads of departments toward the civil servants subordinate to them?

A Several directives coming from the superior authority contained again and again words to the effect that it would not only be an obligation but an absolute duty particularly for a civil servant to accept a position as a party officer.

Q Was it permitted to put down a political office for political reasons, because you did not agree with the point of view of the party?

A That would have been difficult for everybody, because that would bring out into the open his political unreliability. That is the more so in the case of a civil servant, because on the basis of Paragraph 71 of the German Civil Service Law dated 26th January 1937 he had to be afraid of the disciplinary procedure against him, and also his dismissal.

COLONEL NEAVE: What type of disciplinary procedure would that be? Will you ask the witness?

BY DR. NATH: (Discussion in German with witness)

A In that sort of disciplinary procedure, by way of a preliminary investigation the facts would be ascertained. This might lead to an accusation before the civil service penal senate of the Oberlandesgericht.

Paragraph 6 (2) COLONEL NEAVE: Resulting in what sort of punishment? Please Remember Paragraph 6(2) of the Order in this respect. The order of March ~~5th~~ 13th. Will you bear that in mind, please.

DR. NATH: I will discuss that later, and I wish to prove that the consequences for a civil servant might also be of a physical nature.

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COLONEL NEAVE: Well, you can bring that out later. I wanted to know his answer.

BY DR. NATH:

Q Witness, I shall submit to you a circular No. 133, 4th July 1935.

COLONEL GRIFFITH-JONES: Circular what? What number was the circular?

INTERPRETER: 133.

BY DR. NATH:

Q Signed by the Chief of Staff of the Deputy of the Führer, Bormann, which has been taken from 2639-PS, submitted by the prosecution. They are the directives of the Deputy of the Führer. The circular reads short and I quote.

COLONEL GRIFFITH-JONES: I don't know whether you can give us the page of that document:

DR. NATH: Page 143.

BY DR. NATH:

Q I read: "Resignation of Civil Servants from the NSDAP. I have agreed with the Reich Minister of the Interior that civil servants who resign from the NSDAP in the future will be excluded from privileged promotions, so that in each individual case I am in a position to undertake the corresponding orders with the competent Reich Minister. I desired the Gauleitung should inform me of each individual case of the leaving of a civil servant from the NSDAP, describing the facts in this case and of course action." A later circular No. 49, from the year 1936, refers to this circular, which has only been signed by Bormann. It has been taken from the same document 2639. Page 271. I am submitting the witness a copy of this document. I am directing your attention to the second paragraph. The representative of the Führer will inform the supreme official authority, superior to the civil servant, as

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soon as the civil servant resigns from the party. In every case a thorough investigation has to be made why the civil servant has left the party. If he did so because he rejects the programme of the political attitude of the party, he will not remain a civil servant. But even if this presumption is not so, it is ~~presumable~~ permissible to conclude from the resignation of a civil servant from the party, to take into consideration the close contact between party and state, that the civil servant lacks the close connection with the national socialist state, and that in any case the necessary sense of sacrifice is missing. The least he must count with is that he is excluded from privileged promotions, and that he will be put aside with normal promotions. End of quotation. There is here a question of resignation of a witness from the party. Were the same conclusions to be expected if a civil servant resigned from the office of the party, that is to say, from that of a Blockleiter, or if he refuses to accept it, because he rejects the programme or the political attitude of the party - or was it a difference?

A If an official refused to accept a party office, or if he resigned from a party office, and if in both cases the civil servant acknowledged for political reasons, he definitely had to accept the same consequences. According to the rules of these later proclaimed civil service laws, he also had to figure on the possibility of a dismissal.

Q What were the consequences of a dismissal for the civil servant, and his family also, in respect of physical facts?

A As a rule a dismissal of a civil servant meant to him as well as his family complete destruction of the possibility of existence.

COLONEL NEAVE: Can he explain that? It is rather important.

BY DR. NATH:

Q Would you please elucidate upon this, particularly in respect to the

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economic existence of the civil servant himself and that of his family?

A The dismissal of a civil servant made it practically impossible for him to find another way of existence. Because if the Führer employed a civil servant in the capacity in which he might possibly fit into this firm, this firm might run into danger of being considered politically unreliable and considered a firm which might identify itself with the political views of the ex-civil servant. Do you want to speak, Sir?

COLONEL NEAVE: Let him go on.

WITNESS: It usually would have been this way, that even a civil servant with a university education could have been employed nearly in a very subordinate position, and could have had to be satisfied with that.

Q During the war, were there many officials active who were old and retired already and who were recalled to their offices? Would these older people have been in a position, after having resigned from the party, or put down from party office, to find another possibility of existence somewhere else?

A If older civil servants once pensioned off were recalled to active duty, and would have done just that, just resigned from the party because of political reasons, or resigned from a party office for political reasons, the economic consequences would have the same for these.

COLONEL NEAVE: Will you answer the question. Do you know of any cases where people who were civil servants, who resigned from the party, suffered any physical form of punishment, such as imprisonment, or being sent to a concentration camp? In fact, did they suffer something other than economic difficulties in carrying on their business, or maintaining their families?

BY DR. NATH:

Q We repeat. Are you acquainted, as a Judge, perhaps, with cases

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in which the resignation from a party office of a civil servant brought about consequences leading to imprisonment and concentration camp?

A I do not know of any individual cases. But the press, as well as other publications, acquainted me with the - the newspapers and other publications informed them that civil servants whose political unreliability became suspect, and who were consequently dismissed from their offices, were brought into jail or concentration camps.

Q Is it permissible to speak of a heavy pressure brought to bear upon the civil servant or his family?

A If a civil servant wished to put down a party office, he entered into a very difficult conflict of conscience and pressure of conscience within himself. He had to choose between loss of existence or retaining his existence. If he had family he had to take that into consideration.

COLONEL NEAVE: I think we must be careful in future to hear evidence only which relates to the paragraph of the order of March 13th, that I have just mentioned.

DR. NATH: I thought it necessary, Sir, to show to the Court that particularly the civil servants were under terrific conflict of conscience.

COLONEL NEAVE: Yes, but Is conflict of conscience the same as physical compulsion? I don't want to be too strict about this at the moment, because I know that it might be capable of wider interpretation. But it does not seem to me that the consequences that the civil servants suffered through resigning from the party appear to come within the wording of the order.

DR. NATH: May I continue?

BY DR. NATH:

Q Describe to the Court the tasks of a Blockleiter.

A During the war, and I have only become Blockleiter during the war,

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essentially we had to fulfil the following tasks as Blockleiter. We had to collect party membership dues. We had to have a card index of residents of the block. Furthermore, we had to distribute edicts, proclamations, originating with the party of state. In ever increasing measure, however, we had to fulfil social and relief tasks during the war. For example, we had to procure billets for bombed out compatriots. We had to take care of the relief for suffering people particularly those suffering from bomb damage. Air precaution measures had to be under our surveillance. We had to care for the installation of air raid shelters. We had to control the black-out. We had to collect old material. In particular, however, we had to supervise collections for the personal needs of the front soldiers. For instance, books, laundry, scarves for the troops in Africa, and similar needs like that.

Q The prosecutor Colonel Storey has submitted regarding the organisation of the party. The offices and duties of the staff of the Hoheitsträger diminished in number the lower the rank of the Hoheitsträger was. Below the local group there were still ~~less~~ lower offices and sections. I referred to the document 17th January 1945, page 1369 and page 1370. I will show you here the diagram pertaining to the Blockleiter. It is taken from the organisation shown by line, Page 101. Document No. 1893-PS. Did you in practice have the sort of staff which is designated on this diagram ?

A I do not as yet know the expression Blockleiter staff. I was only familiar with the staff of the local group leader. In practice the co-workers of the Blockleiter were janitors, superintendents of houses. But these superintendents, janitors, were volunteers, and one had to depend upon their good will as a Blockleiter. Otherwise one was dependent upon oneself to do the work.

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Q Document 1893-PS. The piece entitled E, Blockhelfer. I quote:

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It is recommended to be followed out by the Gau volunteer, regarding the compression of 40 to 60 households within one block, the following is recommended: It is recommended that superintendents, that is Blockhelfer, are to be put in. Question: Can one say that assuming that this recommendation for the voluntary putting in of superintendents, would that have been a section or an office on the staff of the Blockleiter, as the prosecution has submitted? Will you please give to the court a description of the actions and tasks of such Blockhelfer as it worked out in practice?

A I must point out that superintendents and Blockhelfer were different persons. During the war, at least in our local group, there were very few Blockhelfer. It was the duty of a Block helfer to put himself personally at the disposal of the Blockleiter. He was to support him within his prescribed task, and in case the Blockleiter for some reason or the other was not able to function, he was to substitute for him. That was the way it worked out in practice.

Q The organisation book on Page 103 says: It is the duty of the Blockleiter to supervise the work of the Block foreman, of the Block women's leader, of the Block administrator. How was that in practice?

A In reality he had nothing to do with the supervision of the party officials whose titles were just mentioned. It was entirely unknown that this came within the scope of our authority.

Q The book on Page 108 says: It said there that they came under his disciplinary authority. Did you in practice have any disciplinary authority, particularly in regard to the co-workers which were just mentioned?

A Never, it is completely new to me.

Q Did any authority ever point out to the Blockleiter that they had such disciplinary authority?

A No.

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Q The prosecution has exempted the members of the staff of the local group leader from the indictment. Question: Were the Block leaders and the Zell leaders superiors of the political leaders on the staff of the local group leader? You have said before that they were exempted from the indictment.

A That was entirely impossible. Quite to the contrary. We regarded as our party superiors the members of the staff of the local group leaders. It was so, that only politically the completely reliable and unobjectionable people were put on the staff of the local leader. While that could definitely not be said about the greater part of the war time Block and Zell Leaders.

Q Who had greater authority, the people belonging to the staff of the local group leader, or the block leader and the zell leader?

A The functions of the members of the staff of the local group leader certainly were definitely greater, for this could give us directives, but it did not work vice versa.

Q Witness, what was the popular designation for a Blockleiter? I believe that this will show a very typical definition of their year of authority.

A We would very often be described as unpaid letter carriers, as bank messengers, and as runners. In reality we were no more than that.

Q What was the connection between the Block leaders and the Zell leaders?

A We had to check off the cash receipts with the Zell leaders and the Zell leaders transmitted to us the oral or written directives of the local group leader.

COLONEL NEAVE: Would that be a good moment to adjourn?

DR. NATH: Yes.

(The Commission adjourned at 1700 hours until 14 June 1946 at 1000 hours.)

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The foregoing is a true and correct transcript of the testimony of DOCTOR ERNST HIRT, taken on 13 June 1946.

J. G. M. Halcombe
Reporter (pp.)

Reporter (pp.)

Reporter (pp.)

CERTIFIED TO:

Commissioner

Lt Col.

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13 June 1946.

COMMISSIONER:
Colonel A.M.S. Neave

THE CORPS OF POLITICAL LEADERS

(The Commission convened at 1545 hours).

DR. ERNST HIRT, a witness, took the stand and testified as follows:

BY COLONEL NEAVE:

Q. Turn to me and raise your right hand. Will you state your full name and repeat these words after me.

A. Dr. Ernst Hirt.

Q. I swear by God, the Almighty and Omniscient, that I will speak the whole truth and will withhold and add nothing.

(The witness repeated the oath.)

COLONEL NEAVE: Dr. Nath, will you examine this witness. Will you give a brief statement of what you intend the witness to bring out ?

DR. NATH: The witness is a Blockleiter, and as such he is included and belongs within the corps of political leaders. Consequently I must interrogate him regarding all the points which have been submitted regarding political leaders with reference to his position as Blockleiter.

COLONEL NEAVE: Do you mean his functions as Blockleiter, and what else

DR. NATH: Yes, Sir.

COLONEL NEAVE: What are you going to prove by it ? You need only state very briefly.

DR. NATH: The Blockleiters are not guilty within the sense of the indictment, and are not responsible for the reproach which had to be laid on the entire corps of political leaders.

COLONEL NEAVE: Will you give a general picture of the general function of the Blockleiters ?

DR. NATH: Yes, Sir.

COLONEL NEAVE: Will you continue.

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DIRECT EXAMINATION

BY DR. NATH:

Q. Witness, in your civilian profession you are a judicial counsel ?

A. Yes.

Q. You were that for sixteen years ?

A. Yes.

Q. You are 49 years of age ?

A. Yes.

Q. When did you join the party, and what were your motives for doing so ?

A. I made my application to enter the party on the 31st December 1937. The party back-dated it to the 1st May 1937. From 1929 to 1933 I was Amtsrichter (Judge) in Guntzenhausen. My open opposition to the policies of the NSDAP caused my being disliked very much by the local followers of the party. In May 1933, after the Nazi revolution, it had been my duty to arrest two SA men who were throwing rocks through windows belonging to Jews. The local SA Sturmbannfuhrer demanded of me by threats that I should let go his two SA men. I refused to do so, and a disciplinary action was taken against me. As a consequence of such behaviour I had a compulsory transfer to Nurnberg. In Nurnberg I have been actively and passively resisting the party. That is why I was under constant surveillance. Finally it caused me to worry about my position and my personal liberty. For this reason I applied for membership in the party, but exclusively this had as its purpose political camouflage. I thought in this way the better to be able to serve the needs of Justice.

Q. From what time were you Blockleiter, and where ?

A. I was a deputy war Blockleiter from May 1942 to 2 January 1945.

Q. Do you think that you are fit, due to your knowledge of the local situation, to give information about the large circle of political leaders, particularly Block Leaders, and Zell Leaders ?

A. Yes, I can say that.

Q. Can you also give testimony on the basis of your experiences as a Judge and on the basis of your experiences as a human being ?

A. Yes.

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Q. Would you describe to us how it happened that you accepted the position of a Blockleiter ?

A. Basically opposed to the activities of the party, I have attempted to evade any official duties with the party for years. My predecessor as Blockleiter also was a Judge. In April 1942 he was called to the colours. The Local Group Leader had asked me to take over the office of deputy Blockleiter. For several weeks I opposed this. Finally I could no longer evade it, because I had the fear that as a civil servant my reaction would have been transmitted to the authorities. I would have had to figure on the disciplinary action because of an evasion of the so-called duty of loyalty.

Q Have you, witness, been confirmed and put under oath by the proper authority, by the Ortsgruppenleiter, as was prescribed in the rules and regulations ?

A The Reichsleiter never confirmed me. In my opinion, there was no confirmation by oath as Blockleiter. Two years after I took over the position a collective oath celebration took place. Many hundreds of officials were involved in this collective oath.

COLONEL NEAVE : Did'nt he say something about Nurnberg ?

INTERPRETER : In Nurnberg.

BY DR. NATH :

Q Did you receive an identity card as political leader, or have you worn a party leader uniform ?

A Never.

Q What was the case of the rest of the Blockleiters of your local group ?

A Uniforms, according to my knowledge, were worn only by those Block and Zell Leaders who were Block and Zell Leaders during peace time also. That is to say, Block and Zell Leaders who were confirmed by the Kreisleiter as such.

Q Is it true that as the prosecution said referring to the organisation book by law that the Blockleiters had to be re-confirmed by oath in their loyalty yearly ?

A I know nothing about it. I only know as much that only joint political leaders were to be put under oath -- but we Blockleiters never considered ourselves political leaders, because we were not confirmed by the Reichsleiter, did not carry any identity to that effect, nor did we have the right to wear a uniform.

Q Were there orders for members of the party to accept party offices ?

A As far as I know, while making the application every prospective member of the party had to obligate himself to accept any party office.

Q Were there such directives on the part of the heads of departments toward the civil servants subordinate to them ?

A Several directives coming from the superior authority contained again and again words to the effect that it would not only be an obligation but an absolute duty particularly for a civil servant to accept a position as a party officer.

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Q Was it permitted to put down a political office for political reasons, because you did not agree with the point of view of the party ?

A That would have been difficult for everybody, because that would bring out into the open his political unreliability. That is the more so in the case of a civil servant, because on the basis of Paragraph 71 of the German Civil Service Law dated 26th January 1937 he had to be afraid of the disciplinary procedure against him, and also his dismissal.

COLONEL NEAVE : What type of disciplinary procedure would that be ? Will you ask the witness ?

BY DR. NATH : (Discussion in German with witness)

A In that sort of disciplinary procedure, by way of a preliminary investigation the facts would be ascertained. This might lead to an accusation before the civil service penal senate of the Oberlandesgericht.

COLONEL NEAVE : Resulting in what sort of punishment ? Please remember Paragraph 6 (2) of the Order in this respect. The order of March 13th. Will you bear that in mind, please.

DR. NATH: I will discuss that later, and I wish to prove that the consequences for a civil servant might also be of a physical nature.

COLONEL NEAVE : Well, you can bring that out later. I wanted to know his answer.

BY DR. NATH :

Q Witness, I shall submit to you a circular No. 133, 4th July 1935.

COLONEL GRIFFITH-JONES : Circular what ? What number was the circular ?

INTERPRETER : 133.

BY DR. NATH:

Q Signed by the Chief of Staff of the Deputy of the Fuhrer, Bormann, which has been taken from 2639-PS, submitted by the prosecution. They are the directives of the Deputy of the Fuhrer. The circular reads short and I quote.

COLONEL GRIFFITH-JONES : I don't know whether you can give us the page of that document :

DR. NATH : Page 143.

BY DR. NATH :

Q I read : "Resignation of Civil Servants from the NSDAP. I have agreed

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with the Reich Minister of the Interior that civil servants who resign from the NSDAP in the future will be excluded from privileged promotions, so that in each individual case I am in a position to undertake the corresponding orders with the competent Reich Minister. I desired the Gauleitung should inform of each individual case of the leaving of a civil servant from the NSDAP, describing the facts in this case and of course action." A later circular No. 49, from the year 1936, refers to this circular, which has only been signed by Bormann. It has been taken from the same document 2639, Page 271. I am submitting the witness a copy of this document. I am directing your attention to the second paragraph. The representative of the Fuhrer will inform the supreme official authority, superior to the civil servant, as

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soon as the civil servant resigns from the party. In every case a thorough investigation has to be made why the civil servant has left the party. If he did so because he rejects the programme of the political attitude of the party, he will not remain a civil servant. But even if this presumption is not so, it is permissible to conclude from the resignation of a civil servant from the party, to take into consideration the close contact between party and state, that the civil servant lacks the close connection with the national socialist state, and that in any case the necessary sense of sacrifice is missing. The least he must count with is that he is excluded from privileged promotions, and that he will be put aside with normal promotions. End of quotation. There is here a question of resignation of a witness from the party. Were the same conclusions to be expected if a civil servant resigned from the office of the party, that is to say, from that of a Blockleiter, or if he refuses to accept it, because he rejects the programme or the political attitude of the party - or was it a difference?

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BY DR. NATH:

Q Would you please elucidate upon this, particularly in respect to the economic existence of the civil servant himself and that of his family?

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the ex-civil servant. Do you want to speak, Sir?

COLONEL NEAVE: Let him go on.

WITNESS: It usually would have been this way, that even a civil servant with a university education could have been employed nearly in a very subordinate position, and could have had to be satisfied with that.

Q During the war, were there many officials active who were old and retired already and who were recalled to their offices? Would these older people have been in a position, after having resigned from the party, or put down from party office, to find another possibility of existence somewhere else?

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BY DR. NATH:

Q We repeat. Are you acquainted, as a Judge, perhaps, with cases in which the resignation from a party office of a civil servant brought about consequences leading to imprisonment and concentration camp?

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Q Is it permissible to speak of a heavy pressure brought to bear upon the civil servant or his family?

A If a civil servant wished to put down a party office, he entered into a very difficult conflict of conscience and pressure of conscience within

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himself. He had to choose between loss of existence or retaining his existence. If he had family he had to take that into consideration.

COLONEL NEAVE: I think we must be careful in future to hear evidence only which relates to the paragraph of the order of March 13th, that I have just mentioned.

DR. NATH: I thought it necessary, Sir, to show to the Court that particularly the civil servants were under terrific conflict of conscience.

COLONEL NEAVE: Yes, but is conflict of conscience the same as physical compulsion? I don't want to be too strict about this at the moment, because I know that it might be capable of wider interpretation. But it does not seem to me that the consequences that the civil servants suffered through resigning from the party appear to come within the wording of the order.

DR. NATH: May I continue?

BY DR. NATH:

Q Describe to the Court the tasks of a Blockleiter.

A During the war, and I have only become Blockleiter during the war,

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essentially we had to fulfil the following tasks as Blockleiter. We had to collect party membership dues. We had to have a card index of residents of the block. Furthermore, we had to distribute edicts, proclamations, originating with the party or state. In ever increasing measure, however, we had to fulfil social and relief tasks during the war. For example, we had to procure billets for bombed out compatriots. We had to take care of the relief for suffering people particularly those suffering from bomb damage. Air precaution measures had to be under our surveillance. We had to care for the installation of air raid shelters. We had to control the black-out. We had to collect old material. In particular, however, we had to supervise collections for the personal needs of the front soldiers. For instance, books, laundry, scarves for the troops in Africa, and similar needs like that.

Q. The prosecutor Colonel Storey has submitted regarding the organization of the party. The offices and duties of the staff of the Hoheitstrager diminished in number the lower the rank of the Hoheitstrager was. Below the local group there were still lower offices and sections. I referred to the document 17th January 1945, page 1369 and page 1370. I will show you here the diagram pertaining to the Blockleiter. It is taken from the organization shown by line, Page 101. Document No. 1893-PS. Did you in practice have the sort of staff which is designated on this diagram?

A. I do not as yet know the expression Blockleiter staff. I was only familian with the staff of the local group leader. In practice the co-workers of the Blockleiter were janitors, superintendents of houses. But these superintendents, janitors, were volunteers, and one had to depend upon their good will as a Blockleiter. Otherwise one was dependent upon oneself to do the work.

Q. Document 1893-PS, Page 10. The piece entitled E, Blockhelfer.
I quote: "It is recommended to be followed out by the Gau volunteer, regarding the compression of 40 to 60 households within one block, the following is recommended: It is recommended that superintendents, that is Blockhelfer, are to be put in. Question: Can one say that assuming that this recommendation for the voluntary putting in of superintendents, would that have been a section or an office on the staff of the Blockleiter, as the prosecution has submitted?

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Will you please give to the court a description of the actions and tasks of such Blockhelfer as it worked out in practice?"

A. I must point out that superintendents and Blockhelfer were different persons. During the war, at least in our local group, there were very few Blockhelfer. It was the duty of a Blockhelfer to put himself personnally at the disposal of the Blockleiter. He was to support him within his prescribed task, and in case the Blockleiter for some reason or the other was not able to function, he was to substitute for him. That was the way it worked out in practice.

Q. The organization book on Page 103 says: It is the duty of the Blockleiter to supervise the work of the Block foreman, of the Block women's leader, of the Block administrator. How was that in practice?

A. In reality he had nothing to do with the supervision of the party officials whose titles were just mentioned. It was entirely unknown that this came within the scope of our authority.

Q. The book on Page 108 says: It said there that they came under his disciplinary authority. Did you in practice have any disciplinary authority, particularly in regard to the co-workers which were just mentioned?

A. Never, it is completely new to me.

Q. Did any authority ever point out to the Blockleiter that they had such disciplinary authority?

A. No.

Q. The prosecution has exempted the members of the staff of the local group leader from the indictment. Question: Were the Block leaders and the Zell leaders superiors of the political leaders on the staff of the local group leader? You have said before that they were exempted from the indictmen

A. That was entirely impossible. Quite to the contrary. We regarded as our party superiors the members of the staff of the local group leaders. It was so, that only politically the completely reliable and unobjectionable people were put on the staff of the local leader. While that could definitely not be said about the greater part of the war time Block and Zell Leaders.

Q. Who had greater authority, the people belonging to the staff of the

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local group leader, or the block leader and the zell leader?

A. The functions of the members of the staff of the local group leader certainly were definitely greater, for this could give us directives, but it did not work vice versa.

Q. Witness, what was the popular designation for a Blockleiter? I believe that this will show a very typical definition of their year of authority.

A. We would very often be described as unpain letter carriers, as bank messengers, and as runners. In reality we were no more than that.

Q. What was the connection between the Block leaders and the Zell leaders?

A. We had to check off the cash receipts with the Zell leaders and the Zell leaders transmitted to us the oral or written directives of the local group leader.

COLONEL NEAVE: Would that be a good moment to adjourn?

DR. NATH: Yes.

(The Commission adjourned at 1700 hours until 14 June 1946 at 1000 hours.)

The foregoing is a true and correct transcript of the testimony of DOCTOR ERNST HIRT, taken on 13 June 1946.

F.G.M. Halcomb
Reporter

CERTIFIED TO:

A.M.S. Neave, Lt. Col.
Commissioner.